

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APPLICATION GRANTED
SO ORDERED

GIVAUDAN SA,

John G. Koeltl, U.S.D.J.

Plaintiff,

18-CV-03588 (JGK)

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CONAGEN INC.

Defendant.

**PHYTO TECH CORP. d/b/a BLUE CALIFORNIA, and
CONAGEN INC.,**

18-CV-06172 (JGK)

Plaintiffs,

V.

GIVAUDAN SA

Defendant.

**NOTICE OF PHYTO TECH CORP. D/B/A BLUE CALIFORNIA AND CONAGEN
INC.'S MOTION TO PARTIALLY REDACT TRIAL TRANSCRIPTS**

PLEASE TAKE NOTICE that, pursuant to Section VI.A.2 of Your Honor's Individual Rules of Practice, Defendants Phyto Tech Corp. d/b/a Blue California and Conagen Inc. ("Defendants"), by and through the undersigned counsel, respectfully requests that certain portions of the trial transcripts in Case Nos. 18-cv-03588¹ and 18-cv-06172² be redacted.

¹ Dkt. Nos. 143, 146, 148, and 150 in Case No. 18-cv-03588.

² Dkt. Nos. 117, 119, 120, 122, and 124 in Case No. 18-cv-06172.

Defendants have met and conferred with Plaintiff Givaudan SA (“Plaintiff”), which has advised that it does not object to this motion.

This is a case in which Defendants allege trade secret violations. The trial transcripts discuss confidential and proprietary technical and business information of BGN Tech LLC and the parties, information that the parties characterize as trade secret and confidential, and material designated confidential by the parties in this litigation under the protective order. This information is of significant value to Defendants, as demonstrated by Defendants’ testimony during trial. The Court has previously granted requests by both parties to seal similar information in filings with the Court. *See, e.g.*, Dkt. Nos. 40 (granting request to file sealed material); 73 (granting Defendants’ motion for leave to file documents under seal); 83 (granting letter motion to seal); 99 (granting Defendants’ motion for leave to file under partial seal); 104 (granting letter motion to seal).

To minimize the amount of material under seal, Defendants do not seek to seal the entirety of the trial transcripts. Rather, Defendants seek permission to redact certain specific portions of the trial transcripts that refer to such confidential and proprietary information. Defendants’ proposed redactions, highlighted in yellow, are attached hereto as Exhibit A (Proposed Redactions for Transcript Dated June 6, 2022), Exhibit B (Proposed Redactions for Trial Transcript Dated June 7, 2022), Exhibit C (Proposed Redactions for Trial Transcripts Dated June 8, 2022), and Exhibit D (Proposed Redactions for Trial Transcript Dated June 15, 2022).

Dated: July 20, 2022

Respectfully submitted,

By: /s/ Katherine A. Helm

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